# REASONS

Of the present judgement of the

# UNIVERSITIE OF OXFORD,

*CONCERNING*

The Solemn League and Covenant.
The Negative Oath.
The Ordinances concerning Discipline and Worship.

*Approved by general consent in a full Convocation,* 1 June, 1647.

AND

Presented to Consideration.

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## A Solemn League and Covenant, for Reformation, and defence of Religion, the honour and happineſſe of the King, and the Peace and Safety of the three Kingdoms, *England*, *Scotland*, and *Ireland*.

WE *Noblemen*, *Barons*, *Knights*, *Gentlemen*, *Citizens*, *Burgeſſes*, *Miniſters of the Goſpel*, *and Commons of all ſorts in the Kingdoms of* England, Scotland, *and* Ireland, *by the Providence of God living under one King*, *and being of one Reformed Religion*, *having before our eyes the glory of God*, *and the advancement of the Kingdom of our Lord and Saviour Ieſus Chriſt*, *the honour and happineſſe of the Kings Majeſty*, *and His Poſterity*, *and the true publick Liberty*, *Safety*, *and Peace of the Kingdoms wherein every ones private condition is included*, *and calling to mind the treacherous and bloody Plots*, *Conſpiracies*, *Attempts*, *and practices of the Enemies of God againſt the true Religion*, *and Profeſſors thereof in all places*, *eſpecially in theſe three Kingdoms*, *ever ſince the Reformation of Religion*, *and how much their rage*, *power*, *and preſumption are of late*, *and at this time increaſed and exerciſed*; *whereof the deplorable eſtate of the Church and Kingdom of* Ireland, *the diſtreſſed eſtate of the Church and Kingdom of* England, *and the dangerous eſtate of the Church and Kingdom of* Scotland, *are preſent and publick Teſtimonies*; *We have now at laſt*, (*after other means of Supplication*, *Remonſtrance*, *Proteſtations*, *and Sufferings*) *for the preſervation of our ſelves and our Religion from utter ruine and deſtruction*, *according to the commendable practice of theſe Kingdoms in former times*, *and the Example of Gods People in other Nations*, *after mature deliberation reſolved and determined to enter into a mutual and ſolemn League and Covenant*, *wherein we all ſubſcribe*, *and each one of us for himſelf with our hands liſted up to the moſt High God*, *do ſwear*:

I.

THat we ſhall ſincerely, really, and conſtantly, through the Grace of God, endeavour in our ſeveral places and callings, the preſervation of the Reformed Religion in the Church of *Scotland*, in Doctrine, Worſhip, Diſcipline and Government, againſt our common Enemies; The Reformation of Religion in the Kingdoms of *England* and *Ireland*, in Doctrine, Worſhip, Diſcipline and Government, according to the word of God, and

the example of the best reformed Churches: And shall endeavour to bring the Churches of God in the three Kingdoms, to the neerest conjunction and uniformity in Religion, Confession of Faith, Form of Church Government, Directory for Worship and Catechizing; That we and our Posterity after us may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midst of us.

II.

That we shall in like manner, without respect of persons, endeavour the extirpation of Popery, Prelacy, (that is, Church Government by Archbishops, Bishops, their Chancellours and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending on that Hierarchy Superstition, Heresie, Schism, Profaneness, and whatsoever shall be found to be contrary to sound Doctrine, and the Power of Godliness; lest we partake in other mens sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one in the three Kingdoms.

III.

We shall with the same sincerity, reality and constancy, in our several Vocations, endeavour with our estates and lives, mutually to preserve the Rights and Privileges of the Parliaments, and the Liberties of the Kingdoms, and to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true Religion, and Liberties of the Kingdoms, that the world may bear witnesse with our Consciences of our Loyalty, and that we have no thoughts or intentions to diminish His Majesties just power and greatness.

IV.

We shall also with all faithfulnesse endeavour the discovery of all such as have been, or shall be Incendiaries, Malignants, or evil Instruments, by hindering the Reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, or making any faction or parties amongst the people, contrary to this League and Covenant that they may be brought to publick trial, and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme Judicatories of both Kingdoms respectively, or others having power from them for that effect, shall judge convenient. V. And

V.

And whereas the happineſſe of a bleſſed Peace between theſe Kingdoms, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath been lately concluded, and ſettled by both Parliaments, we ſhall each one of us, according to our place and intereſt, endeavour that they may remain conjoyned in a firm Peace and Union to all poſterity; And that Juſtice may be done upon the wilfull oppoſers thereof, in manner expreſſed in the precedent Articles.

VI.

We ſhall alſo according to our p'aces and callings in this common cauſe of Religion, Liberty and Peace of the Kingdoms, aſſiſt and defend all thoſe that enter into this League and Covenant, in the maintaining and perſuing thereof, and ſhall not ſuffer our ſelves directly or indirectly by whatſoever combination, perſwaſion or terrour to be divided and withdrawn from this bleſſed Union and Conjunction, whether to make defection to the contrary part, or to give our ſelves to a deteſtable indifferency or neutrality in this cauſe, which ſo much concerneth the glory of God, the good of the Kingdoms, and the honor of the King; but ſhall all the daies of our lives zealouſly and conſtantly continue therein, againſt all oppoſition, & promote the ſame according to our power, againſt all lets and impediments whatſoever; and what we are not able our ſelves to ſuppreſs or overcome, we ſhall reveal and make known, that it may be timely prevented or removed; All which we ſhall do as in the ſight of God.

*And becauſe theſe Kingdoms are guilty of many ſins and provocations againſt God, and his Son Jeſus Chriſt, as is too manifeſt by our preſent diſtreſſes, and dangers the fruits thereof; We profeſs and declare before God and the World, our unfeigned deſire to be humbled for our own ſins, and for the ſins of theſe Kingdoms, eſpecially that we have not as we ought valued the ineſtimable benefit of the Goſpel, that we have not laboured for the puritie and power thereof, and that we have not endeavoured to receive Chriſt in our hearts, nor to walk worthy of him in our lives, which are the cauſes of other ſins and tranſgreſſions ſo much abounding amongſt us; And our true and unfeigned purpoſe, deſire, and endeavour for our ſelves, and all others under our power and charge, both in publick and in private, in all duties we*

owe

*owe to God and Man, to amend our lives, and each one to go before another in the example of a real Reformation, that the Lord may turn away his wrath and heavy indignation, and eſtabliſh theſe Churches and Kingdoms in truth and peace. And this Covenant we make in the preſence of Almighty God the ſearcher of all hearts, with a true intention to perform the ſame, as we ſhall anſwer at that great day, when the ſecrets of all hearts ſhall be diſcloſed, Moſt humbly beſeeching the Lord to ſtrengthen us by his holy Spirit for this end, and to bleſſe our deſires and proceedings with ſuch ſucceſſe, as may be deliverance and ſafety to his people, and encouragement to other Chriſtian Churches groaning under, or in danger of the yoke of Antichriſtian tyranny, to joyn in the ſame, or like Aſſociation and Covenant, to the glory of God, the enlargement of the Kingdom of Jeſus Chriſt, and the peace and tranquillity of Chriſtian Kingdoms and Common-wealths.*

Reaſons

# *Reaſons why the Univerſity of* Oxford *cannot ſubmit to the Covenant, the Negative Oath, the Ordinance concerning Diſcipline and Directory mentioned in the late Ordinance of Parliament for the Viſitation of that place.*

WHereas by an Ordinance of the Lords and Commons Aſſembled in Parliament, for the Viſitation and Reformation of the Univerſity of *Oxford*, lately publiſhed, power is given to certain Perſons therein named as Viſitors, to enquire concerning thoſe of the ſaid Univerſity, that neglect to take the Solemn League and Covenant, and the Negative Oath being tendred unto them, and likewiſe concerning thoſe that oppoſe the execution of the Ordinances of Parliament concerning the Diſcipline and Directory, or ſhall not promote or cauſe the ſame to be put in execution according to their ſeveral places and callings, We the Maſters, Scholars, and other Officers and Members of the ſaid Univerſity, not to judge the Conſciences of others, but to clear our ſelves before God and the world from all ſuſpition of Obſtinacy, whilſt we diſcharge our own, preſent to conſideration the true reaſons of our preſent judgement concerning the ſaid Covenant, Oath and Ordinances: Expecting ſo much Juſtice, and hoping for ſo much Charity, as either not to be preſſed to conform to what is required in any the premiſſes, further than our preſent judgements will warrant us; or not condemned for the refuſing ſo to do, without clear and real ſatisfaction given to our juſt ſcruples.

§. 1.

## §. I.
### *Of the Preface to the Covenant.*

THe Exceptions againſt the Introductory Preface to the Covenant although we inſiſt not much upon, becauſe it may be ſaid to be no part of the Covenant: yet among the things therein contained, the acknowledgement whereof is implicitely required of every Covenanter.

1. We are not able to ſay, *that the rage, power, and preſumption of the enemies of God* (in the ſenſe there intended) *is at this time increaſed.*

2. Nor can truly affirm, that we had uſed or given conſent to any *Supplication* or *Remonſtrance* to the purpoſes therein expreſſed.

3. Nor do conceive the entring into ſuch a mutual League and Covenant to be a lawfull, proper, and probable means to *preſerve our Selves and our Religion from ruine and deſtruction.*

4. Nor can believe the ſame to be *according to the commendable practice of theſe Kingdoms, or the example of Gods people in other Nations.* When we find not the leaſt foot-ſtep in our Hiſtories of a ſworn Covenant ever entred into by the people of this Kingdom upon any occaſion whatſoever; nor can readily remember any commendable example of the like done in any other Nation: but are rather told by the Defenders of this Covenant, that (a) *the world never ſaw the like before.*

(a) *Such an Oath, as for matter, perſons, and other Circumſtances, the like hath not been in any Age or Oath we read of in ſacred or humane ſtories.* M. *Nye*, Covenant with Narrative, pag. 12.

## §. II.
### *Of the Covenant in groſs.*

FIrſt, we are not ſatisfied, how we can ſubmit to the taking thereof, as it is now impoſed under a penalty.

2. Such impoſition (to our ſeeming) being repugnant to the nature

nature of a Covenant: which being a Contract implyeth a (a) *voluntary mutual consent* of the Contractors; whereunto men are to be induced by perſwaſions, not compelled by power. In ſo much that the very words of this Covenant in the Preface, concluſion, and whole frame thereof runne in ſuch a form throughout, as import a conſent rather grounded upon prudential motives, than extorted by Rigour.

(a) *Pactum eſt duorum pluriumve in idem placitum conſenſus*, L. 1. ff. de Pactis.

2. Without betraying the Liberty, which by our Proteſtation we are bound, and in the third Article of this Covenant muſt ſwear, *with our lives and fortunes to preſerve.* To which Liberty the impoſition of a new Oath, other then is eſtabliſhed by Act of Parliament, is expreſſed in *the* (b) *Petition of Right*, and by the Lords and Commons in their (c) *Declarations* acknowledged to be contrary.

(b) *Whereas many of them have had an oath adminiſtred unto them not warrantable by the Laws and Statutes of this Realm, They do humbly pray that no man hereafter be compelled to take ſuch an oath —— All which they moſt humbly pray —— as their Rights and Liberties according to the Laws and Statutes of this Realm.* Petit. of Right, 3 Carol. (c) It is declared 16 *Jan.* 1642. That the King cannot *compel men to be ſworn without an Act of Parliament.* Exact Collect. pag. 859, 860.

3. Without acknowledging in the Impoſers, a greater Power then, for ought that appeareth to us, hath been in former time challenged; Or can conſiſt with our former Proteſtation (if we rightly underſtand it) in ſundry the moſt material branches thereof.

Neither, ſecondly, are we ſatisfied; although the Covenant would not be impoſed upon us at all, but only recommended to us, and then left to our choice; 2.

1. How we ſhould in wiſdom and duty (being Subjects) of our own accord and free will enter into a Covenant, wherein He, whoſe Subjects we are, is in any wiſe concerned, without his conſent, either expreſſed or reaſonably preſumed: It being in his power (as we conceive) by the equity of the Law, *Numb.* 32. to annul and make void the ſame at his pleaſure.

2. How we can (now that His Majestie hath by His Publique (d) *Interdict* sufficiently made known His pleasure in that behalf) enter into a Covenant, the taking whereof he hath expresly forbidden; forfeiting that Obedience, which (as we are perswaded) by our natural Allegiance and former Oaths we owe unto all such His Majesties Commands, as are not in our apprehension repugnant to the will of God, or the positive Laws of this Kingdom.

(d) *Proclam. of 9. Octob. 19 Car.*

## §. III.

### *Of the first Article of the Covenant.*

WHerein, first, we are not satisfied, how we can with judgement swear to endeavour to preserve the Religion of another Kingdom.

1. Whereof, as it doth not concern us to have very much, so we profess to have very little understanding.

2. Which (so far as the occurrents of these unhappy times have brought it to our knowledge, and we are able to judge) is in three of the four specified particulars, *viz. Worship, Discipline, and Government*, much worse; and in the fourth (that of *Doctrine*) not at all better than our own; which we are in the next passage of the Article required to reform.

3. Wherein if hereafter we shall find any thing (as upon farther understanding thereof it is not impossible we may) that may seem to us savouring of *Popery, Superstition, Heresie*, or *Schism*, or *contrary to sound Doctrine*, or *the power of godlinesse*; we shall be bound by the next Article to endeavour the extirpation after we have bound our selves by this first Article to the preservation thereof.

4. Wherein we already find some things (to our thinking) so far tending towards (a) *Superstition* and (b) *Schism*, that it seemeth to us more reasonable that we should call

(viz.) *In accounting Bishops Antichristian, and indifferent Ceremonies unlawfull.* (b) viz. *In making their discipline and Government a mark of the true Church, and the setting up thereof, the erecting of the throne of Christ.*

upon

upon them to reform the ſame, than that they ſhould call upon us to preſerve it.

Secondly, we are not ſatisfied in the next branch, concerning the Reformation of Religion in our own Kingdom, in *Doctrine*, *Worſhip*, *Diſcipline* and *Government*; How we can ſwear to endeavour the ſame, (which without making a change therein cannot be done,) 2.

1. Without *manifeſt ſcandal to the Papiſt and Separatiſt*,

1. By yeelding the cauſe, which our godly Biſhops and Martyrs, and all our learned Divines ever ſince the Reformation have both by their writings and ſufferings maintained; who have juſtified, againſt them both, the Religion eſtabliſhed in the Church of *Engiand* to be agreeable to the Word of God.

2. By juſtifying the Papiſts in the reproaches and ſcorn by them caſt upon our Religion, whoſe uſual objection it hath been and is, that we know not what our Religion is; that ſince we left them, we cannot tell where to ſtay; and that our Religion is *a* (c) *Parliamentary Religion*.

(c) *Let us not be blamed if we call it Parliamentary Religion, Parliament Goſpel, Parliament Faith*, Harding confut. of Apology, part 6. Chap. 2.

3. By a tacite acknowledgement that there is ſomething both in the doctrine and worſhip, whereunto their conformity hath been required, not agreeable to the Word of God; and conſequently juſtifying them both, the one in his Recuſancy, the other in his Separation.

4. By an implyed Confeſſion, that the Laws formerly made againſt Papiſts in this Kingdom, and all puniſhments by vertue thereof inflicted upon them, were unjuſt in puniſhing them for refuſing to joyn with us in that form of Worſhip, which our ſelves (as well as they) do not approve of.

2. Without *manifeſt wrong unto our ſelves*, our Conſciences, Reputation and Eſtates; in bearing falſe Witneſs againſt our ſelves, and ſundry other waies by ſwearing to endeavour to reform that, as corrupt and vitious,



1. Which

1. Which we have formerly by our Perſonal Subſcriptions approved, as agreeable to Gods Word: and have not been ſince either condemned by our own hearts for ſo doing, or convinced in our Judgements by any of our Brethren that therein we did amiſſe.

2. Which in our Conſciences we are perſwaded, not to be in any of the four ſpecified particulars (as it ſtandeth by Law eſtabliſhed) much leſſe in the whole four, againſt the Word of God.

3. Which we verily believe (and, as we think upon good grounds) to be in ſundry reſpects much better, and more agreeable to the Word of God, and the practiſe of the Catholique Church, than that which we ſhould by the former words of this Article ſwear to preſerve.

4 Whereunto the Laws yet in force require of all ſuch Clerks as ſhall be admitted to any Benefice, the ſignification of their hearty aſſent, to be atteſted openly in the time of Divine Service before the whole congregation there preſent, within a limited time, and that under pain (upon default made) of the loſſe of every ſuch Benefice.

3. Without *manifeſt danger of Perjury*: This branch of the Article (to our beſt underſtandings) ſeeming directly contrary.

1. To our former ſolemn Proteſtation, which we have bound our ſelves neither for hope, fear, or other reſpect ever to relinquiſh. Wherein the Doctrin which we have vowed to maintain, by the name of the *true Proteſtant Religion, expreſſed in the Doctrin of the Church of England*, we take to be the ſame, which now we are required to endeavour to reform and alter.

2. To the Oath of Supremacie, by us alſo taken, according to the Laws of the Realm, and the Statutes of our Univerſity in that behalf Wherein having firſt teſtified and declared in our Conſciences, that the *Kings Highneſſe is the only ſupreme Governour of this Realm, we do after ſwear to our power to aſsiſt and defend all Juriſdictions, Privileges, Prehemineneces, and Authorities granted or belonging to the Kings Highneſſe, His Heirs, and Succeſſors, or united and annexed to*

*the*

*the Imperial Crown of this Realm.* One of the which Privileges and Preheminences, by an expreſſe Statute ſo annexed, and that even, *in terminis*, in the ſelf-ſame words in a manner with thoſe uſed in the Oath, is the whole power of Spiritual or Eccleſiaſtical Juriſdiction, for the correction and reformation of all manner of errors and abuſes *in matters Eccleſiaſtical*: as by the (e) words of the ſaid Statute more at large appeareth. The Oath affording the *Propoſition*, and the Statute the *Aſſumption*, we find no way how to avoid the *Concluſion*.

(e) *Such juriſdictions, privileges, ſuperiorities and preheminences ſpiritual and Eccleſiaſtical, as by any, &c. for the Viſitation of the Eccleſiaſtical State and Perſons, and for reformation, order and correction of the ſame, and of all manner errors, hereſies, ſchiſms, abuſes, offences, contempts and enormities, ſhall for ever by authority of this preſent Parliament be united and annexed to the Imperial Crown of this Realm.* An Act reſtoring to the Crown the ancient Juriſdiction, &c. 1 Elizab. 1.

## §. IV.

### *Of the Second Article of the Covenant.*

FIrſt, it cannot but affect us with ſome grief and Amazement, to ſee that ancient form of Church-Government, which we heartily (and, as we hope, worthily) honour; as under which our Religion was at firſt ſo orderly, without violence or tumult, and ſo happily reformed; and hath ſince ſo long flouriſhed with Truth and Peace, to the honour and happineſs of our own, and the envy and admiration of other Nations, not only, 1.

1. Endeavoured to be extirpated; without any reaſon offered to our underſtandings, for which it ſhould be thought neceſſary, or but ſo much as expedient ſo to do. But alſo,
2. Ranked with *Popery*, *Superſtition*, *Hereſie*, *Schiſm* and *Prophaneſſe*; which we unfainedly profeſs our ſelves to deteſt as much as any others whatſoever.
3. And that with ſome intimation alſo, as if that Government were ſome way or other ſo *contrary to ſound Doctrine*, or *the power of Godlineſſe*, that whoſoever ſhould not endeavour the

the extirpation thereof muſt of neceſſity *partake in other mens ſins*, which we cannot yet be perſwaded to believe.

4. And we deſire it may be conſidered, in caſe a Covenant of like form ſhould be tender'd to the Citizens of *London*, wherein they ſhould be required to ſwear, they would ſincerely, really and conſtantly without reſpect of perſons, endeavour the extirpation of *Treaſon*, *the City Government* (by a Lord Maior, Aldermen, Sheriffs, Common-Councel and other Offices depending thereon) *Murther*, *Adulterie*, *Theft*, *Couſenage*, *and whatſoever ſhall be*, &c. *leſt they ſhould partake in other mens ſinnes*, whether ſuch a tendry could be looked upon by any Citizen, that had the leaſt ſpirit of freedom in him, as an Act of Juſtice, Meekneſs and Reaſon?

2. Secondly, for Epiſcopal Government, we are not ſatisfied how we can with a good Conſcience ſwear to endeavour the extirpation thereof, 1. in *reſpect of the thing it ſelf*. Concerning which Government we think we have reaſon to believe.

1. That it is (if not *Jure divino* in the ſtricteſt, that is to ſay, expreſly commanded by God in his Word, yet) of *Apoſtolical inſtitution*, that is to ſay, was eſtabliſhed in the Churches by the Apoſtles, according to the mind and after the example of their Maſter *Jeſus Chriſt*, and that by vertue of their ordinary power and Authority derived from him, as deputed by him Governors of his Church.

2. Or at leaſt, that *Epiſcopal Ariſtocracy* hath a fairer pretention, and may lay a juſter title and claim to a divine inſtitution than any of the other forms of Church-Government can do; all which yet do pretend thereunto, *viz.* that of the *Papal Monarchy*, that of the *Presbyterian Democracy*, and that of the *Independents* by Particular Congregation, or Gathered Churches.

2. But we are aſſured by the undoubted teſtimony of Antient Records and later Hiſtories, that this form of Government hath been continued with ſuch an univerſal, Uninterrupted, Unqueſtioned ſucceſſion in all the Churches of God, and in all Kingdoms that have been called Chriſtian, throughout the whole world

world for fifteen hundred years together; that there never was in all that time any considerable opposition made there against. That of *Aerius* was the greatest, wherein yet there was little of consideration, beside these two things: that it grew at the first but out of discontent; and gained him at the last but the reputation of an Heretique. From which Antiquity and continuance, we have just cause to fear, that to endeavour the extirpation thereof,

1. Would give such advantage to the Papists, who usually object against us, and our Religion, the contempt of antiquity, and the love of novelty; that we should not be able to wipe off the aspersion.
2. Would so diminish the just Authority due to the consentient judgement and practise of the universal Church (the best interpreter of Scripture in things not clearly exprest; for *Lex currit cum praxi*:) that without it we should be at a losse in sundry points both of *Faith and Manners*, at this day firmly believed and securely practised by us; when by the Socinians, Anabaptists, and other Sectaries we should be called upon for our proofs. As namely, sundry Orthodoxal explications concerning the Trinity and Co-equality of the Persons in the God-head, against the Arians and other Heretiques; the number, use and efficacy of Sacraments; the Baptising of Infants; National Churches; the Observation of the Lords Day; and even of the Canon of Scripture it self.

Thirdly, *in respect of our selves*; we are not satisfied how it can stand with the principles of *Justice*, *Ingenuity*, and *Humanity*, to require the extirpation of Episcopal Government (un esse it had been first clearly demonstrated to be unlawfull) to be sincerely and really endeavoured, by us, 3.

1. Who have all of us, who have taken any Degree, by subscribing the 39. Articles, testified our approbation of that Government: one of those (*a*) Articles affirming the very Book containing the form of *their Consecration* to contain in it nothing contrary to the word of God. (a) *Art.* 36.
2. Who have most of us, (*viz.* as many as have entred into the Ministery) received Orders from their hands: whom we should

ſhould very ill requite for laying their hands upon us, if we ſhould now lay to our hand, to root them up, and cannot tell for what.

3. Who have ſundry of us, ſince the beginning of this Parliament, ſubſcribed our names to Petitions exhibited or intended to be exhibited to the High Court, for the continuance of that Government. Which as we then did ſincerely and really, ſo we ſhould with like ſincerity and reality, ſtill (not having met with any thing ſince to ſhew us our errour) be ready to do the ſame again, if we had the ſame hopes we then had of the reception of ſuch Petitions.

4. Who ſhold ſome of us our livelyhood, either in whole or in part, by thoſe Titles of *Deans, Deans and Chapters, &c.* mentioned in the Articles; being Members of ſome Collegiate or Cathedral Churhes. And our memories will not readilie ſerve us with any example in this kind ſince the world began; wherein any ſtate or profeſſion of men, though convicted (as we are not) of a crime that might deſerve deprivation, were required to bind themſelves by oath, *ſincerely and really to endeavour* the rooting out of that (in it ſelf not unlawfull) together wherewith they muſt alſo root out themſelves, their eſtates and livelyhoods.

5. Eſpecialy it being uſual in moſt of the ſaid Churches, that ſuch perſons as are admitted Members thereof, have a perſonal Oath adminiſtred unto them, to maintain the honour, Immunities, Liberties, and profits of the ſame; and whilſt they live to ſeek the good, and not to do any thing to the hurt, hindrance, or prejudice thereof; or in other words to the like effect.

4. Fourthly, *in reſpect of the Church of England*: we are not ſatiſfied how we can ſwear to endeavour the extirpation of the eſtabliſhed Government, no neceſſitie or juſt Cauſe for ſo doing, either offering it ſelf, or being offered to our underſtandings.

1. Since all change of Government unavoidably bringeth with it, beſides thoſe that are preſent and evident, ſundry other inconveniences, which no wit of man can poſſibly fore-ſee

to

to provide againſt, till late experience diſcover them: We cannot be ſure, that the evils which may enſue upon the change of this Government, (which hath been of ſo long continuance in this Kingdom, is ſo deeply rooted in the Lawes thereof, and hath ſo near a conjunction with, and ſo ſtrong an influence upon the Civill State and Government, as that the change thereof muſt infer the neceſſity of a great alteration to be made in the other alſo,) may not be greater then the ſuppoſed evils whatſoever they are, which by this change are ſought to be remedied. For there are not yet any come to our knowledge of that deſperate nature, as not to be capable of other remedy, then the utter extirpation of the whole Government it ſelf.

2. Whereas the Houſe of Commons have (b) remonſtrated, that it was far from their purpoſe or deſire to *aboliſh the Church-government*, but rather that *all the members of the Church of England ſhould be regulated by ſuch Rules of order and Diſcipline as are eſtabliſhed by Parliament*, and that it was Malignancy *to infuſe into the people* that they had any other meaning: We are loth by conſenting to the ſecond Article to become guilty of ſuch *Infuſion*, as may bring us within the compaſs and danger of the fourth Article of this Covenant.

(b) — *give advantage to this Malignant party to traduce our Proceedings: They infuſe into the people that we mean to aboliſh all Church-Government* — Remonſt. 15. Dec. 1641. Exact. Collect. pag. 19. *The Lords and Commons do declare, That they intend a due and neceſſary Reformation of the Government and Liturgy of the Church, and to take away nothing in the one or in the other, but what ſhall be evil, and juſtly offenſive, or at leaſt unneceſſary and burthenſome.* Declar. 9. April. 1642. Exact. Coll. p. 135.

3. Since it hath been declared by ſundry (c) Acts of Parliament, That *the holy Church of England was founded in the ſtate of Prelacy within the Realm of England*: We dare not by endeavouring the extirpation of Prelacy, ſtrik at the very foundation, and thereby (as much as in us lieth) cooperate towards the ruine of this famous Church; which in all conſcience and duty we are bound with our utmoſt lawful power to uphold.

(c) *Statut. of Carlile 25. E. 1. recited 25. E. 3.*

Laſtly, *in reſpect of our Obligations to his Majeſty* by our Duty

and Oathes: we are not ſatisfied how we can ſwear to endeavour the extirpation of the Church-Government by Law eſtabliſhed, without forfeiture of thoſe Obligations.

1. Having in the Oath of Supremacy acknowledged the King to be *the onely ſupream Governour in all Eccleſiaſtical Cauſes, and over all Eccleſiaſtical Perſons*; and having bound our ſelves both in that Oath, and by our proteſtation, *To maintain the Kings Honour, Eſtate, Juriſdictions*, and all manner of Rights: it is clear to our underſtandings, that we cannot without diſloyalty and injury to Him, and double Perjury to our ſelves, take upon us without his conſent to make any alteration in the Eccleſiaſticall Lawes or Government, much leſſe to endeavour the extirpation thereof: Unleſſe the impoſers of this Covenant had a power and meaning (which they have openly (d) diſclaimed) to abſolve us of that Obedience, which under God we owe unto His Majeſty, whom they know to be intruſted with the Eccleſiaſtical Law.

(d) *They infuſe into the people, that we mean* —— *to leave every man to his own fancy* — *abſolving him of that Obedience which he owes under God unto His Majeſty, whom we know to be intruſted with the Eccleſiaſtical Law, as well as with the Temporal.* Exact Collect ubi ſup. p. 19.

2. We cannot ſincerely and really endeavour the extirpation of this Government, without a ſincere deſire and real endeavour, that His Majeſty would grant His Royal Aſſent to ſuch extirpation. Which we are ſo far from deſiring and endeavouring, that we hold it our bounden duty by our daily prayers to beg at the hands of Almighty God, that he would not for our ſins ſuffer the King to do an act ſo prejudicial to his honour and conſcience, as to conſent to the rooting out of that eſtate, which by ſo many branches of his (e) *Coronation Oath*, he hath in ſuch a ſolemn manner

(e) That he will *grant, keep and confirm the Laws, Cuſtoms and Franchiſes granted to the Clergy by the glorious King S.* Edward. *And that he will grant and preſerve unto the Biſhops, and to the Churches committed to their charge, all Canonical Priviledges and due Law and Juſtice; and that he will protect and defend them as every good King in his Kingdom ought to be Protector and Defender of the Biſhops and the Churches under their Government.* Vide Exact Coll. p. 290, 291.

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sworn by the assistance of God to his power to maintain and preserve.

3. By the Lawes of this Land (f) the *Collation* of *Bishopricks* and (g) *Deanaries*, the (h) *fruits* and *profits* of their Lands and Revenues during their vacancies, the (i) *first fruits and yearly tenths* out of all Ecclesiastical Promotions; and sundry other Priviledges, Profits, and Emoluments arising out of the State Ecclesiastical, are established in the Crown, and are a considerable part of the Revenues thereof; which, by the extirpation of Prelacy, as it is in the Article expounded, or by subsequent practice evidenced, will be severed and cut off from the Crown, to the great prejudice and damage thereof. Whereunto, as we ought not in common reason and in order to our Allegiance as Subjects, yeild our consent; so having sworn expresly *to maintain the Kings Honour and Estate*, and to our power to assist and defend all Jurisdictions, &c. belonging to His Highness, or united and annexed to the Imperial Crown of the Realm, we cannot without manifest Perjury (as we conceive) consent thereunto.

(f) *See Stat.* 25. *H.* 8. 20. & 1. *E.* 6. 2.
(g) *See Stat.* 39. *Eliz.* 8.
(h) *Stat.* 14. *E.* 3. 4. & 5. & 17. *E.* 3. 14.
(i) *Stat.* 26. *H.* 8. 3. & 1. *Eliz.* 4.

4. The Government of this Realm being confessedly an *Empire* or (k) *Monarchy*, and that of a most excellent temper and constitution; we understand not how it can become us to desire or endeavour the extirpation of that Government in the Church, which we conceive to be incomparably of all other the most agreeable, and no way prejudiciall to the state of so well a constituted Monarchy. In so much as King *James* would often say, what his long experience had taught him, *No Bishop, no King*. Which Aphorism, though we find in sundry Pamphlets of late years to have been exploded with much confidence and scorn; yet we must professe to have met with very little in the proceedings of the late times, to weaken our belief of it. And we

(k) *Supremam potestatem & merum imperium apud nos habet Rex.* Cambd. *Whereas by sundry divers old authentick Histories & Chronicles it is manifestly declared and expressed, that this Realm of* England *is an Empire, and so hath been accepted in the world, governed by one Supream Head and King, having the dignity and royall estate of the Imperial Crown of the same.* Stat. 24. H. 8. c. 12. See also 1 Elizab. 3.

hope we ſhall be the leſs blamed for our unwillingneſs to have any actual concurrence in the extirpation of Epiſcopall Government: ſeeing of ſuch extirpation there is no other uſe imaginable, but either the alienation of their Revenues and Inheritances, (which how it can be ſevered from *Sacriledge* and *Injuſtice* we leave others to find out) or to make way for the introducing of ſome other Form of Church-government: which whatſoever it ſhall be, will (as we think) prove either deſtructive of, and inconſiſtent with Monarchiall Goverument, or at leaſt-wiſe more prejudicial to the peaceable, orderly, and effectual exerciſe thereof, then a well-regulated Epiſcopacy can poſſibly be.

## §. V.

### *Of the other parts of the Covenant.*

HAving inſiſted the more upon the two firſt Articles, that concern Religion and the Church, and wherein our ſelves have a more proper concernment: We ſhall need to inſiſt the leſs upon thoſe that follow, contenting our ſelves with a few (the moſt obvious) of thoſe many great, and (as we conceive) juſt exceptions, that lye there againſt.

1. In the third Article, we are not ſatisfied that our endeavour to preſerve and defend the Kings Majeſties Perſon and Authority is ſo limited, as there it is, by that addition. *In the Preſervation and defence of the true Religion, and Liberties of the Kingdom.* For aſmuch as

1. No ſuch limitation of our duty in that behalf is to be found, either in the Oathes of Supremacy and Alleagiance, (which no Papiſt would refuſe to take with ſuch a limitation) nor in the Proteſtation, nor in the Word of God.
2. Our endeavour to preſerve the Rights and Priviledges of Parliaments, and Liberties of the Kingdomes, is required to be ſworn of us in the ſame Article without the like or any other limitation added thereunto.
3. Such limitation leaveth the duty of the Subject at ſo much looſeneſſe, and the ſafety of the King at ſo great uncertainty;

ty; that whenſoever the people ſhall have a mind to withdraw their obedience, they cannot want a pretence, from the ſame for ſo doing.

4. After we ſhould, by the very laſt thing we did (*viz.* ſwearing with ſuch a limitation) have made our ſelves guilty of an actual and real diminution (as we conceive) of His Majeſties juſt power and greatneſſe: the obteſtation would ſeem very unſeaſonable (at the leaſt) with the ſame breath to call the world to bear witneſſe with our Conſciences, that we had no thoughts or intentions to diminiſh the ſame.

5. The ſwearing with ſuch a limitation is a Teſtimony of the Subjects Loyalty (to our ſeeming) of a very ſtrange nature: which, (the Principles of their ſeveral Religions ſalved) the Conſcience of a moſt reſolute Papiſt or Sectary may ſecurely ſwallow, and the Conſcience of a good Proteſtant cannot but ſtrein at.

In the fourth Article,

1. We deſire it may be conſidered, whether the impoſing of the Covenant in this Article do not lay a neceſſity upon the Son, of accuſing his own Father, and purſuing him to deſtruction, in caſe he ſhould be an Incendiary, Malignant, or other evil Inſtrument, ſuch as in the Article is deſcribed. A courſe, which we conceive to be contrary to Religion, Nature and Humanity.

2. Whether the ſwearing according to this Article, doth not rather open a ready way, to Children that are ſick of the Father, Husbands that are weary of their Wives, &c. by appealing ſuch, as ſtand between them and their deſires, of Malignancy, the better to effectuate their unlawful intentions and deſignes.

3. Our ſelves having ſolemnly proteſted to maintain the Liberty of the Subject, and the Houſe of Commons having publickly declared againſt the exerciſe of an Arbitrary Power, with Order that their ſaid Declaration ſhould be printed and publiſhed in all the Pariſh Churches and Chappels of the Kingdome, there to ſtand and remain as a teſtimony of the clearneſſe of their intentions; whether the

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ſubjecting of our ſelves and brethren by Oath, unto ſuch punniſhments as ſhall be inflicted upon us (without Law or merit) at the ſole pleaſure of ſuch uncertain Judges as ſhall be upon any particular occaſion *deputed for that effect*, of what mean quality or abilities ſoever they be, even to the taking away of our lives, *if they ſhall think it convenient ſo to do*, though the degree of our offences ſhall not require or deſerve the ſame; be not the betraying of our Liberty in the loweſt, and the ſetting up of an Arbitrary Power in the higheſt degree that can be imagined.

3. The ſubſtance of the fifth Article, being the ſetling and continuance of a firm peace and union between the three Kingdomes, ſince it is our bounden duty to deſire, and according to our ſeverall places and intereſts by all lawfull means to endeavour the ſame: we ſhould make no ſcruple at all to enter into a Covenant to that purpoſe, were it not

1. That we do not ſee, nor therefore can acknowledge *the happineſs of ſuch a bleſſed Peace between the* three *Kingdomes* (for we hope *Ireland* is not forgotten) as in the Article is mentioned: So long as *Ireland* is at Warr within it ſelf, and both the other Kingdomes engaged in that Warr.

2. That ſince no peace can be firm and well-grounded that is not bottom'd upon Juſtice, the moſt proper and adæquate act whereof is, *Jus ſuum cuique*, to let every one have that which of right belongeth unto him; we cannot conceive how a firm and laſting Peace can be eſtabliſhed in theſe Kingdomes, unleſſe the reſpective Authority, Power, and Liberty of *King*, *Parliament*, and *Subject*, as well every one as other, be preſerved full and entire, according to the known Lawes and continued unqueſtioned cuſtomes of the ſeveral Kingdomes in former times, and before the beginning of theſe ſad diſtractions.

In the ſixth Article we are altogether unſatisfied.

4. 1. The whole Article being grounded upon a ſuppoſition, which hath not yet been evidenced to us, *viz.* that *this Cauſe*, meaning thereby (or elſe we underſtand it not) the joyning in this Covenant of mutual defence for the proſecu-

tion

on of the late War, was *the cause of Religion, Liberty, and Peace of the Kingdomes*; and that it so much concerned *the Glory of God, and the good of the Kingdomes, and the Honour of the King.*

2. If all the premisses were so clear, that we durst yeeld our free assent thereunto, yet were they not sufficient to warrant to our consciences what in this Article is required to be sworn of us; unlesse we were as clearly satisfied concerning the lawfulnes of the means to be used for the supporting of such a cause. For since evil may not be done, that good may come thereof; we cannot yet be perswaded, that *the Cause of Religion, Liberty, and Peace*, may be supported; or *the Glory of God, the Good of the Kingdomes, and the Honor of the King* sought to be advanced, by such means, (as to our best understandings) are both improper for those ends, and destitute of all warrant from the Lawes, either of God, or of this Realm.

Lastly, in the conclusion, our hearts tremble to think, that we should be required to pray that *other Christian Churches might be encouraged by our Example to joyn in the like Association and Covenant, to free themselves from the Antichristian yoke, &c.* Wherein.

1. To omit that we do not know any *Antichristian yoke* under which we were held in these Kingdomes, and from which we owe to this either War or Covenant our freedom: unlesse by the Antichristan yoke be meant Episcopal Government, which we hope no man that pretendeth to Truth and Charity will affirm.

2. We do not yet see in the fruits of this Association or Covenant among our selves, any thing so lovely as to invite us us to desire (much less to pray) that other Christian Churches should follow our example herein.

3. To pray to the purpose in the Conclusion of the Covenant expressed, seemeth to us all one in effect, as to beseech Almighty God, the God of Love and Peace.

1. To take all Love and Peace out of the hearts of Christians, and to set the whole Christian world in a combustion.

2. To

2. To render the Reformed Religion, and all Proteſtants odious to all the world.
3. To provoke the Princes of *Europe* to uſe more ſeverity towards thoſe of the Reformed Religion: if not (for their own ſecurity) to root them quite out of their ſeveral Dominions.
4. The tyranny and yoke of Antichriſt, if laid upon the necks of Subjects by their lawful Soveraignes, is to be thrown off by *Chriſtian boldneſs* in confeſſing the Truth, and *Patient ſuffering* for it; not by taking up Armes, or violent reſiſtance of the Higher Powers.

## §. VI.

### *Some Conſiderations concerning the meaning of the Covenant.*

OUR aforeſaid ſcruples are much ſtrengthened by theſe enſuing Conſiderations.

Firſt, that whereas no Oath, which is contradictory to it ſelf, can be taken without perjury; becauſe the one part of every contradiction muſt needs be falſe: this Covenant either indeed containeth, or at leaſtwiſe (which to the point of conſcience is not much leſs effectual) ſeemeth to us to contain ſundry Contradictions: as namely, amongſt others, theſe:

1. To preſerve as it is, without change, and yet to reform and alter, and not to preſerve, *one and the ſame reformed Religion*.
2. Abſolutely and without exception *to preſerve*; and yet upon ſuppoſition to *extirpate* the ſelf ſame thing, *viz.* the preſent Religion of the Church of *Scotland*.
3. To reform Church-Government eſtabliſhed in *England*, and *Ireland*, *according to the word of God*: and yet to extirpate that Government which we are perſwaded to be according thereunto, for the introducing of another whereof we are not ſo perſwaded.
4. To endeavour *really the extirpation of Hereſies, Schiſms, and Prophaneneſs*; and yet withall to extirpate that Government in the Church, the want of the due exerciſe whereof we conceive

ceive to have been one chief cauſe of the growth of the ſaid evills; and do believe the reſtoring and continuance thereof would be the moſt proper and effectual remedy.

5. *To preſerve with our eſtates and lives, the Liberties of the Kingdome*; that is, (as in the Proteſtation is explained) of the Subject; and yet contrary to theſe Liberties, to ſubmit to the impoſition of this *Covenant*, and of the *Negative Oath*, not yet eſtabliſhed by Law; and to put our lives and eſtates under the arbitrary power of ſuch as may take away both from us when they pleaſe, not onely without, but even againſt Law, *if they ſhall judge it convenient ſo to do.*

Secondly, we find in the Covenant, ſundry expreſſions of dark or doubtfull conſtruction, whereunto we cannot ſweare in judgement, till their ſenſe be cleared and agreed upon. As, Who are the *Common Enemies?* and which be *the beſt reformed Churches?* mentioned in the firſt Article. Who (in the fourth Article) are to be accounted *Malignants?* How far that phraſe of *hindring Reformation* may be extended? What is meant by *the ſupreme Judicatory of both Kingdomes?* and ſundry other.

Thirdly, by the uſe that hath been made of this Covenant, (ſometimes to purpoſes of dangerous conſequence) we are brought into ſome fears and jealouſies, leſt by taking the ſame we ſhould caſt our ſelves into more ſnares then we are yet aware of. For in the firſt Article,

1. Whereas we are *to endeavour the Reformation of Religion in this Kingdome, in Doctrine, Worſhip, Diſcipline, and Government, according to the Word of God, and the example of the beſt Reformed Churches:*

1. The Reformation in Worſhip (whereby we could not ſuppoſe any more was intended (according to their former (a) Declaration) then a review of the Service-book, (a) *The Lords and Commons do declare, That they intend a due and neceſſary Reformation of the Liturgie of the Church; and to take away nothing therein but what ſhall be evill, and juſtly offenſive, or at leaſt unneceſſary and burthenſome.* Declarat. 9. Apr. 1642. Exact Coll. pag. 135.

that the tranſlations might be in ſome places amended, ſome alterations made in the Offices and Rubricks; or at moſt ſome of the Ceremonies laid aſide for the reaſons of expediency and condeſcention) hathproduced an utter abolition of the whole form eſtabliſhed: without ſubſtituting any other certain form in the room thereof.

2. The Reformation in point of Diſcipline andGovernment intended (ſo far as by the overtures hitherto made we are able to judge) is ſuch, as we conceive not to be *according to the Word of God*, nor (for any thing we know) according to the example of any Church that ever was in the world (beſt or worſt) ſince the Creation

2. In the ſecond Article, our grief and fears had been leſſe, if we could have obſerved *the extirpation of Popery, Hereſie, Schiſm, and Prophaneneſs*, to have been as really intended & ſet on with as much ſpeed and animoſity, as the extirpation of *Prelacy*, and that which ſome call *Superſtition*. But when we ſee, under the notions of rooting out Prelacy and Superſtition, ſo much quickneſs uſed to fetch in the Revenues of theChurch & the ſacred Utenſils (no otherwiſe guilty of Superſtition, for ought we know, then that they are worth ſomething;) and on the other ſide, ſo little yet done toward the extirpation of Hereſie, Schiſm, and Prophaneneſs, (as things of leſs temporal advantage:) We cannot diſſemble our ſuſpition, that the deſigners of thisCovenant might have ſomething els before their eyes beſides what in the beginning of the Introduction is expreſſed; and that there is ſomething meant in this Article, that looketh ſo like Sacriledge, that we are afraid to venture thereon.

3. In the third Article

1. Although we ſhould not otherwiſe have apprehended any matter of danger or moment in the ordering of the particulars in the Article mentioned: yet ſince M. *Challoner in his Speech*, and others have made advantage thereof to inferre from that very order, that the defence of the Kings Perſon and Authority ought to be with ſubordination to the preſervation of the Rights and Priviledges of Parliaments, and

the

the Liberties of the Kingdome, which are *in the first place*, and before it to be endeavoured; We hope we shall be excused, if we dare not take the Covenant in this sense; especially, considering that if the Argument be of any force, it will bind us at least, as strongly to endeavour the maintenance of *the Kings Person, Honour, and Estate* in the first place, and the rest but subordinately thereunto; because they are so ordered in the Protestation: And then that Protestation having the advantage of preceding, it will bind us more strongly, as being the first obligation.

(c) *From whence it is most evident, that the Rights and Privileges of the Parliaments and Liberties of the Kingdom are in the first place to be preserved.* Answ. to Scottish Papers, 18. *Nov.* 1646 page 21.

2. Whereas some have been the rather induced to take the Covenant in this particular by being told, that that limitation, *in the preservation and defence of the true Religion and Liberties of the Kingdomes* was not to be understood exclusively: yet when we finde that the House of Commons in their answer to the Scottish papers, doe (d) often presse that limitation, as without which the endeavouring to preserve the Kings Majesties Person and Authority ought not to be mentioned; it cannot but deter us from taking the Covenant in this particular so understood.

(d) *We observe you mention the defence of the King twice from the Covenant, yet in both places leave out* In the preservation and, &c. pag. 39, & 46. *a main clause, without which the other part ought never to be mentioned.* pag. 56.

3. Especially being told in a late pamphlet, that the King not having preserved the Liberties of the Kingdom, &c. as of duty he ought, is thereby become a *Tyrant*, and so ceaseth to be a King, and consequently that his subjects cease to be Subjects, and owe him no longer subjection. Which assertion, since we heartily detest, as false and scandalous in the supposition, and in the inference seditious and divelish; we darre not by subscribing this Article seem to give the least countenance thereunto.

4. But it striketh us with horror to think what use hath been made of this fourth Article, concerning the punishment of

Malignantats, &c. as by others otherwaies, ſo eſpecially by *the Corrector of a ſpeech without doors*, written in the defence of M. *Challoners* Speech: who is ſo bold as to tell the Parliament, that they are bound by their Covenant (for the bringing of evil inſtruments to condigne puniſhment) to deſtroy the King and his Poſterity, and that they cannot juſtifie the taking away of *Straffords* and *Canterburies* lives for Delinquency, whilſt they ſuffer the chief Delinquent to go unpuniſhed.

## §. VII.
### *Of the Salvo's.*

THe *Salvo's* that we have uſually met withall, for the avoyding of the aforeſaid ſcruples, either concerning the whole Covenant, or ſome particulars therein of ſpecial importance, We find upon examination to be no way ſatisfactory to our conſciences.

The firſt is that we may take the Covenant *in our own ſenſe*: but this (in a matter of this nature, *viz.* an impoſed promiſory Oath, in the performance whereof others alſo are preſumed to be concerned) ſeemeth to be.

1. Contrary *to the nature and end of an Oath*, which unleſs it be full of ſimplicity, cannot be ſworn in truth and righteouſneſs, nor ſerve to the ending of controverſies and contradictions, which was the uſe for which it was inſtituted. *Heb. 6.*

2. Contrary *to the end of Speech*: God having given us the uſe of Speech for this end, that it might be the interpreter of the mind; it behoveth us as in all other our dealings and contracts, ſo eſpecially where there is the intervention of an Oath, ſo to ſpeak, as that they whom it concerneth, may clearly underſtand our meaning by our words.

3. Contrary to *the end of the Covenant* it ſelf. Which being the confirmation of a firm union among the Covenanters, that by taking thereof they might have mutuall aſſurance of mutuall aſſiſtance & defence; If one may be allowed to take it in one ſenſe, & another in a contrary, the Covenanters ſhall

have no more assurance of mutual assistance each from other after the taking of the Covenant, then they had before.

4. Contrary to the *Solemn profession* made by each Covenanter (in expresse termsin the conclusion thereof) *in the presence of Almighty God the searcher of all hearts*, that he taketh it *with a true intention to perform the same, as he shall answer in at the great day.*

2. This will bring a scandal upon our Religion,

1. That we practice that our selves, which we condemn in the Papist; *viz.* Swearing with Jesuitical equivocations and mental reservations.

2. That we take the glorious and dreadfull Name of God in vain; and play fast and loose with Oathes: in as much as what we swear to day in one sense, we may swear the direct contrary to morrow in another. And

3. It will give strength to that charge which is layed to the Presbiterian party, in special, both (a) by *Jesuites* and (b) *Sectaries*; that there is no faith to be given to Protestants, whatever they swear; because they may sweare one thing in their words, and in their own sense mean another.

(a) *Haretici nec Deo, nec hominibus servant fidem.—Speciatim hoc addo, Calvinistas in hac re deteriores esse quàm Lutheranos. Nam Calvinistæ nullam servant fidem: Jura, perjura.—Lutherani moderatiores sunt.* Becan. 5. Manual. Controv. 14. n. 4. & 6. (b) *Invent Oathes and Covenants for the Kingdom, dispence with them when he pleaseth, swear and forswear as the wind turneth, like a godly Presbyter.* Arraig. of Persec. in Epist. Ded.

The second way is, to take the Covenant with these or the like general *Salvo's* expressed, *viz. So far as lawfully I may*; *So far as it is agreeable to the Word of God, and the Lawes of the Land*; *Saving all Oathes by me formerly taken*, &c. But

1. We believe this mocking of God would be so far from freeing us from the guilt of Perjury, that thereby we should rather contract a new guilt of most vile and abominable hypocrisie.

2. It seemeth all one unto us (the thing being otherwise suppoposed unlawfull) as if we should swear to kill, steal, commit adultery, or forswear our selves, so far as lawfully we may.

3. If this would ſatisfie the Conſcience, we might with a good Conſcience not only take the preſent Covenant, but even ſubſcribe to the *Council of Trent* alſo; yea, and to the *Turkiſh Alcoran*; and ſwear to maintain and defend either of them, *viz.* ſo far as lawfully we may, or as they are agreeable to the Word of God.

3. Thirdly, for the *ſecond Article* in particular, in the branch concerning the extirpation of Church-Government, we are told that it is to be underſtood of the whole Government, taken collectively and in *ſenſu compoſito*, ſo as if we do endeavour but the taking away of *Apparitors* only, or of any other one kind of inferiour officers belonging to the Eccleſiaſtical Hierarchy, we ſhall have ſufficiently diſcharged our whole promiſe in that particular without any prejudice done to Epiſcopacy. But

1, Neither the Compoſers of the Covenant by their words, nor the impoſers of it by their Actions, have given us the leaſt ſignification that they meant no more.

2. Yea rather, if we may judge either by the cauſe or the effects, we may well think there was a meaning to extirpate the whole government, and every part thereof in the Article expreſſed. For

1. The Covenant being (as we have no cauſe to doubt) framed at the inſtance of the Scots and for the eaſier procuring of their aſſiſtance in the late War, was therefore in all reaſon ſo to be framed and underſtood as to give them ſatisfaction, & (conſidering what themſelves have (c) declared againſt Epiſcopacy) we have little reaſon to beleeve the taking away Apparitors, or any thing, leſſe then the rooting out of Epiſcopacy it ſelf, would have ſatisfied them.

(c) *By the Covenant, both Houſes of Parliament, & many thouſands of other His Majeſties Subjects of England and Ireland ſtand bound as well as we to hinder the ſetting up of the Church-Government by Biſhops in the Kingdome of* Scotland: *And that we as well as they ſtand bound to endeavour the extirpation thereof in* England *and* Ireland Scots Declar. to the States of the United Provinces, 5. Aug. 1645. recited in Anſwer to the Scots Papers, pag. 23.

2. The proceedings alſo ſince the entring of this Covenant in endeavouring *by Ordinance of Parliament* to take away the

the Name, Power, and Revenues of Biſhops do ſadly give us to underſtand, what was their meaning therein.

Fourthly, as to the ſcruples that ariſe from the Soveraignty of the King, and the duty of Allegiance as ſubjects; we find two ſeveral waies of anſwering, but little ſatisfaction in either. 4.

1. The former, by ſaying (which ſeemeth to us a piece of unreaſonable and ſtrange Divinity) that *Protection* and *Subjection* ſtanding in relation either to other, the King being now diſabled to give us protection, we are thereby freed from our bond of ſubjection. Whereas

1. The Subjects obligation (*Jus ſubjectionis.*) doth not ſpring from, nor relate unto the actual exerciſe of Kingly protection; but from and unto the Princes obligation to protect (*Jus Protectionis.*) Which obligation lying upon him as a duty which he is bound in conſcience to perform, when it is in his power ſo to do; the relative obligation thereunto lyeth upon us as a duty which we are bound in conſcience to perform, when it is in our power ſo to do. His inability therefore to performe his duty doth not diſcharge us from the neceſſity of performing ours, ſo long as we are able to do it.

2. If the King ſhould not protect us, but neglect his part, though having power and ability to perform it; his voluntary neglect ought not to free us from the faithfull performance of what is to be done on our part. How much leſs then ought we to think our ſelves diſ-obliged from our ſubjection, when the *Non-protection* on his part is not from the want of will, but of power?

2. The later (wherein yet ſome have triumphed) by ſaying that the Parliament being the ſupreme Judicatory) of the Kingdome, the King, *whereſoever in perſon*, is ever preſent there *in his power*, as in all other Courts of Juſtice: and that therefore whatſoever is done by them is not done without the King, but by him. But craving pardon firſt if in things without our proper ſphere we hap to ſpeak unproperly or amiſſe; We muſt next crave leave to be ſtill of the ſame mind we were, till it ſhall be made evident to our underſtandings, that

that the King is there *in his power*, as it is evident to our senses that he is not there *in his person*: Which so far as our natural reason and small experience will serve us to judge, all that hath been said to that purpose can never do.

For, first, to the point of presence:

1. We have been brought up in a beliefe that for the making of Lawes, the actual (d) *Royal assent* was simply necessary, and not only a virtual assent supposed to be included in the Votes of the two Houses: otherwise what use can be made of his Negative voice? or what need to (e) *desire his Royal assent*, to that which may be done as well without it.

(d) The old formes of Acts of Parliam. were, *The King willeth, provideth, ordaineth, establisheth, granteth, &c. by the assent of Parliament, &c.* See Statutes till 1 *H.* 4. After that, *The King, of the assent of the Lords Spiritual & Temporal, and at the special instance and request of the Commons of this Realm, hath ordained, &c.* See Statutes 1. *H.* 4 till 1 *H.* 7. A form of such Petition of the Commons, See 1 *R.* 3. 6. *Prayen the Commons in this present Parliament assembled, that where, &c. Please it therefore your Highness, by the advice and assent of the Lords Spiritual and Temporal in this your present Parliament assembled, and by the authority of the same, to ordain, &c.*

*No Bill is an Act of Parliament, Ordinance, or Edict of Law, although both the Houses agree unanimously in it, till it hath the Royal Assent.* Ancient Customes pag. 54.

*Assemblee de ceux troys Estats est apellee un Act de Parliament: car sans touts troys nest ascun Act de Parl.* Finch Nomotech. fol. 21.

*We admit that no Acts of Parliament are complete, or formally binding without the Kings assent. H. P.* Answer to *David Jenkins*, pag. 6.

(e) ——*which if your Majesty shall be pleased to adorn with your Majesties Royal assent, (without which it can neither be complete and perfect, nor——)* Stat. 1. Jac. 1.

(f) *Stat.* 33. *H.* 3. 21.

2. The (f) Statute, providing that *the Kings assent to any Bill signified under his great Seal* shall be to all intents of Law as valid & effectual, as if he were personally present, doth clearly import that as to the effect of making a Law, the Kings power is not otherwise really present with the two Houses, then it appeareth either in his Person or under his Seal: Any other *real presence* is to us a riddle, not much unlike to that of *Transubstantiation*: an imaginary thing, rather devised to serve

turnes, then believed by those that are content to make use of it.

3. Such presence of the King there, when it shall be made appear to us either from the Writs, whereby the Members of both Houses are called together, or by the standing Lawes of the Land, or by the acknowledged judgement and continued practice of former and latter ages, or by an expres from the King himself, clearly declaring his mind to that purpose, we shall then as becometh us, acknowledge the same, and willingly submit thereunto.

And as for the Argument drawn from the *Analogie* of other Courts, wherein the Kings power is alwayes supposed to be virtually present, under submission we conceive it is of no consequence.

1. The arguments *à minore* and *à majore* are subject to many fallacies; and unless there be a parity of reason in every requisite respect between the things compared, will not hold good: A petty Constable (they say) may do something which a Justice of Peace cannot do: And the Steward of a petty Mannor hath power to administer an Oath, which (as we are told) the House of Commons it self hath no power to do.

2. That the high Court of Parliament is the supream Judicatory, we have been told it is by vertue of the Kings right of presiding there, he being (*g*) the *Supream Judge*, and the Members of both Houses his Council: which being so, the reason of difference is plain between that and other Judicatories in sundry respects.

(g) *Dominus Rex habet ordinariam jurisdictionem, dignitatem & potestatem super omnes qui in regno suo sunt.—Ea quæ Jurisdictionis sunt & pacis—ad nullum pertinent nisi ad coronam & dignitatem Regiam, nec à coronâ separari possunt. Bract.* cited by *Stamford*, lib. 2. cap. 2.

1. The Judges in other Courts are deputed by him, and do all in his name, and by his authority; and therefore the presence of his power in those Courts of ministerial Jurisdiction is sufficient, his personal presence not necessary, neither hath he any personall vote therein at all. But in the high

Court of *Parliament*, where the King himself is the supream Judge, judging in his own name and by his own authority, his power cannot be presumed to be really present without either the actual presence of his person, or some virtuall representation thereof signified under his great Seal.

2. The Judges in inferiour Courts, because they are to act all in his name, and by his authority, do therefore take Oaths of fidelity for the right exercising of Judicature in their severall places, sitting there, not by any proper interest of their own, but onely in right of the King, whose Judges they are, & therefore they are called the Kings Judges and his Ministers. But in the high Court of Parliament, the Lords and Commons sit there in Councel with the King as Supream Judge for the good of the whole Realm; & therefore they are not called the Kings Judges, but the Kings Councel: and they have their several proper rights and interests peculiar and distinct both between themselves, and from that of the Kings, by reason whereof they become *distinct* (*h*) *Ordines*, or as of late times they have been stiled (in this sense as we conceive) (*i*) *three distinct Estates*. Each of which being supposed to be the best Conservators of their own proper interest, if the power of any one Estate should be presumed to be virtually present in the other two, that Estate must needs be inevitably liable to suffer in the proper interests thereof. Which might quickly prove destructive to the whole Kingdome: The safety and prosperity of the whole consisting in the conservation of the just rites and proper interests of the main pars, *viz.* The King, Lords, and Commons, inviolate and entire.

(*h*) For in our Lawes, the Clergy, Nobility, & Communalty are the 3. Estates. —*We your said most loving faithful, and obedient Subjects*, (*viz.* the Lords Spiritual and Temporal, and the Commons) *representing your three Estates of your Realm of England*, 1 Eliz. 3. —*the State of the Clergy being one of the greatest States of this Realm*. 8 Eliz. 1.

(*i*) See *Finch* supra ad lit. [d]

3. The Judges of other Courts, foralmuch as their power is but ministerial and meerly judicial, are bounded by the present Lawes, and limited also by their own Acts: so as they

they may neither swerve from the Laws, in giving Judgment, nor reverse their own Judgements after they are given. But the High Court of *Parliament*, having (by reason of the Kings Supream power presiding therein) a Power Legislative as well as Judiciall, are not so limited by any earthly power, but that they may change and over-rule the Lawes, and their own Acts at their pleasure. The Kings Personall assent therefore is not needful in those other Courts, which are bounded by those Laws whereunto the King hath already given his personall assent: but unto any Act of Power beside, beyond, above, or against the Laws already established, we have been informed, and it seems to us very agreeable to reason, that the Kings Personall Assent should be absolutely necessary: Forasmuch as every such Act is the exercise of a Legislative rather then of a Judiciall power; and no Act of Legislative power in any Community (by consent of all Nations) can be valid, unless it be confirmed by such person or persons as the Soveraignty of that Community resideth in. Which Soveraignty, with us, so undoubtedly resideth in the person of the King, that his ordinary style runneth, *Our* (k) *Soveraigne Lord the King*: And he is in the Oath of Supremacy expressly acknowledged to be *the only Supreme Governour within his Realms*. And we leave it to the wisdome of others to consider what misery and mischief might come to the Kingdom, if the power of any of these *three Estates* should be swallowed up by any one or both the other, and if then under the name of a Judicial, there should be yet really exercised a Legislative power.

(k) *The Crown of England hath been so free as at all times that hath been in no earthly subjection, but immediately to God in all things touching the Regality of the said Crown.*——16 R. 2. 5. *Omnis sub eo est, & ipse sub nullo, nisi tantùm sub Deo. Parem autem non habet Rex in regno suo, quia*——*Item nec multò fortiùs superiorem aut potentiorem habere debet, quia sic esset inferior suis subjectis.* Bract. conten 1. Rubr. 36. ——*Cui divina tribuit, legibus ipsis legum vim imponendi potestatem Deus dedit.* Finch Nomotech. in Epist. Dedic. to K. *James*.

4. Since all Judiciall Power is radically and originally in the

King, (who is for that cause styled by the Lawes (l) *The Fountain of Justice*) and not in any other person or persons, but by derivation from him: it seemeth to us evident, that neither the Judges of inferiour Courts of ministeriall Justice, nor the Lords and Commons assembled in the High Court of Parliament, may of right exercise any other power over the Subjects of this Realm, then such as by their respective Patents and Writs issued from the King, or by the known established Laws of the Land formerly assented unto by the Kings of this Realm doth appear to have been from him derived unto them. Which Lawes, Patents and Writs being the exact boundary of their severall powers, it hath not yet been made appear to our understandings, either from the Lawes of the Realm, or from the tenour of those Writs by which the Parliament is called, that the two Houses of Parliament have any power without the King to *order, command, or transact*; but with him (m) to *treat, consult and advise* concerning the great affairs of the Kingdome. In which respect they have sundry times in their Declarations to his Majesty called themselves by the name of His great Councell. And those Lawes and Writs are (as we conceive) the proper Topick, from which the just power of the Honourable Houses can be convincingly deduced: and not such frail Collections as the wits of men may raise from seeming Analogies and Proportions.

(l) *Fons Justitiæ.* Bract. *By War to intend the alteration of the Lawes in any part of them, is to levy Warre against the King, and consequently Treason by the Stat. of* 25 E. 3. —— *because they are the Ks. Lawes. He is the fountaine from whence in their severall channels they are derived to the Subject.* Master Saint Johns Speech concerning the Earl of Strafford, *page* 12.

(m) —— *Et ibidem vobiscum colloquium habere, tractare super dictis negotiis tractatis vestrumq; concilium impensur*: Writ to the Lords.

## §. VIII.
### *Of the Negative Oath.*

WE are not satisfied, how we can submit to the taking of the *Negative Oath.*

1. Without forfeiture of that *liberty*, which we have sworn and are bound to preserve. With which liberty we conceive it to be inconsistent, that any obligation should be laid upon the Subject, by an oath not established by Act of Parl.

2. Without abjuring our (a) *naturall Allegiance*, and violating the *Oaths of Supremacy and Allegiance* by us formerly taken. By all which being bound to our power to *assist the King*, we are by this *Negative Oath* required to swear, *from our heart, not to assist him.*

(a) *Every Subject by the duty of his Allegiance is bounden to serve and assist his Prince and Soveraign Lord at all seasons when need shall require.* 11 *H.* 7. 18.

3. Without *diminution of his Majesties just Power and greatness*, contrary to the third Article of the Covenant; by acknowledging a power in the two Houses of Parliament, in opposition to the Kings Power. Whereas we profess our selves unable to understand, how there can be any lawfull power exercised within this Realm, which is not subordinate to the power of the King.

## §. IX.
### *Of the Ordinances concerning the Discipline and Directory.*

FIrst, concerning them altogether; we are not satisfied how we can submit to such Ordinances of the two Houses of Parliament, not having the *Royall Assent.* 1.

1. As are contrary to the established Laws of this Realm contained in such Acts of Parl. as were made by the joynt consent of the King, Lords, and Commons.

2. Nor so onely, but also pretend by repeal to abrogate such Act

Act or Acts. For, since *Ejusdem est potestatis destruere cujus est constituere*, it wil not sink with us, that a lesser power can have a just right to cancell and annull the Act of a greater.

*Stat. Eliz.* 1. 3. Especially the whole power of ordering all matters Ecclesiastical being by the Laws in expres words *for ever annexed to the Imperiall Crown of this Realm.* And upon what head that Crown ought to stand, none can be ignorant.

2. As to the particular Ordinances: those that concern the *Discipline*, first.

1. If under that title be comprehended the *Government* also: we cannot submit thereunto, without consenting to the eradication of a Government of reverent Antiquity in the Church. Which (notwithstanding the severall changes of Religion within this Realm) hath yet from time to time been continued and confirmed by the Publique Lawes and Great Charters of the Kingdom: then which there cannot be a more ample testimony that it was ever held agreeable to the Civill Government and the Subjects liberty. Which also the successive Kings of this Realm at their several Coronations have solemnly sworn to preserve. And the continuance whereof for sundry reasons before (upon the second Article of the Covenant) specified; we heartily wish and desire.

2. But if the word *Discipline* be taken (as it is in the first Article of the Covenant) as *contra-distinguished unto the government*: there is something even in that also, wherein we are not fully satisfied, *viz.* the leaving of so much power in so many persons, and those, many of them of mean quality, for the keeping back of thousands of wel-meaning Christians from the benefit and comfort of the blessed Sacrament. An Austerity, for which there appeareth not to us any probable warrant from the Word of God: But which seemeth rather repugnant, as to the generall principles of Christian prudence and charity, so to the directions and practice of S. *Paul* in particular; who in a Church abounding with sundry errors and corruptions both in faith and manners, (having first given order for the excommunicating of one only

1 *Cor.* 5. 1, &c.

person

person that by shameless continuance in a notorious sin had brought a foul scandall upon the Gospell) sufficing himself then with a general proposal of the great danger of *unworthy communicating*, remitteth every other particular person to a *self-examination*; without any order either to Ministers or Lay-Elders to exclude any from the holy Communion upon their Examinatio. 1 *Cor.* 11. 28. &c.

As to the Ordinance concerning the *Directory* in particular: we cannot without regret of Conscience, (during our present judgement, and the continuance of the present Laws) consent to the taking away of *the Book of Common Prayer*. 3.

1. Which by our Subscriptions most of us have approved: with a solemn promise therewithall, in the publique Service to use the form prescribed therein, and no other.

2. Which, according to our said Subscription and promise, and our bounden duty according to the Statute in that Case provided, we have hitherto used in our Churches, Chappels, and other Oratories, to the great benefit and comfort of our souls. 1 *Eliz.*

3. Which we verily believe not to contain any thing which (with such favourable construction as of right ought to be allowed to all manner of Writings) is not justly defensible; which hath not been by learned and godly men sufficiently maintained against such exceptions as have been heretofore taken thereat; and which we are not confident (by the Assistance of Almighty God) we shall be able to justifie (as occasion shall be offered) against all Papists, and other oppugners or depravers thereof whatsoever.

4. Which is established by an *Act of Parliament*, made (in in peaceable times) by as good and full authority as any under heaven can have over us. Which doth so weigh with us, that as it freeth us from the necessity of giving in any particular exceptions against the *Directory*, or any thing therein contained: so it layeth an inevitable necessity upon us of continuing the form of Prayer therein enjoyned, and of not admitting any *Directory* or other form to the prejudice thereof, till the said Act shall by the like good and full authority be repealed.

In

In which Statute there is not onely an *express Command* given to all Ministers for the using of the same; but there are also *sanctions of severe punishments* to be inflicted upon such of them as shall refuse so to do; or shall preach, declare; or speak any thing to the derogation or depraving the Book of Common-Prayer, or of any thing therein contained, or any part thereof, with punishments also to be inflicted upon every other person whatsoever (*the Lords of the Parl. not excepted*) that shall in like manner declare or speak against the said Book; or shall by deed or threatning compel or otherwise procure or maintain any Minister to say open Prayer, or to minister any Sacrament in any other manner or form then is mentioned in the said Book; or shal interrupt or hinder any Minister in the use of the said formes, as by the words of the said Statute more at large may appear.

Which Statute also hath had such an universal powerful influence into the succeeding times, that in all such * Statutes as have been since made against Popish Recusants, the refusing to *be present at Common-Prayer, or to receive the Sacrament according to the forms and rites* mentioned in that Book, is expressed as the most proper legall character, whereby to distinguish a *Popish Recusant* from a true Protestant. In so much that use hath been made of that very Character in sundry Acts, since the beginning of this present Parl. for the taxing of double payments upon *Recusants*.

* *Stat.* 23 *Eliz.* 1. & 29 *Eliz.* 6. & 35 *El.* 1. & 2 & 3 *Jac.* 4. & 5.

Thus have we clearly and freely represented our present judgment concerning the said Covenant, Negative Oath, and Ordinances; which upon better information in any particular, we shall be ready to rectifie. Only we desire it may be considered, that if any one single scruple or reason in any the premisses remain unsatisfied; (though we should receive full satisfaction in all the rest) the Conscience would also remain still unsatisfied. And in that case, it can neither be reasonable for them that cannot satisfie us to press us, not lawfull for us that cannot be satisfied to submit to the said Covenant, Oath, and Ordinances.

*Quis damnaverit eum, qui duabus potentissimis rebus defenditur, Jure & mente?* Quintil.

*Rom.* 14. 22. Happy is he that condemneth not himself in that which he alloweth.

*THE END.*

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